

REGULAR CITY COUNCIL MEETING

SEPTEMBER 9, 1985

PRESENT

Grant S. Nielson	Mayor
Craig Greathouse	Council Member
Ruth Hansen	Council Member
Gayle Bunker	Council Member
Neil Dutson	Council Member
Don Dafoe	Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan	City Manager
Dorothy Jeffery	City Recorder
Warren Peterson	City Attorney
John Quick	City Engineer
Alan Riding	Assistant Public Works Director

Mayor Grant Nielson called the meeting to order at 7:00 p.m. Dorothy Jeffery, Delta City Recorder, acted as secretary. Mayor Nielson stated that notice of the meeting time, place and agenda were posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle Progress, the Millard County Gazette, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

MINUTES

The proposed minutes of a Regular City Council Meeting held July 29, 1985, were presented for the Council's consideration and approval. The Council reviewed the minutes briefly, after which Council Member Gayle Bunker MOVED the minutes be approved as corrected. Council Member Craig Greathouse SECONDED the motion. Mayor Nielson asked if there were any questions or comments regarding the minutes or the motion. There being none, he called for a vote on the motion, which passed unanimously.

The proposed minutes of a Regular City Council Meeting held August 26, 1985, were presented for Council's consideration and approval. The Council reviewed the minutes, after which Council Member Craig Greathouse MOVED the minutes be approved as corrected. Council Member Gayle Bunker SECONDED the motion. Mayor Nielson asked if there were any questions or comments regarding the motion. There being none, he called for a vote on the motion, which passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the list of accounts payable, which had been given to them two days prior to the meeting. Following a brief discussion, Council Member Gayle Bunker MOVED the accounts payable be approved for payment as listed. The motion was SECONDED by Council Member Don Dafoe. Mayor Nielson asked if there were any further questions or comments regarding the accounts payable. There being none, he called for a vote on the motion, which passed unanimously.

RUTH HANSEN: FINALIZATION OF \$6,000 TRANSFER TO LIBRARY FUND - 1985 MUNICIPAL BUDGET

Council Member Ruth Hansen explained that of the \$6,000 from her Council Member salary for the past two years that she has donated to the Library Fund, \$2,400 will be drawn from the 1984-1985 Budget and \$3,600 will be drawn from Intergovernmental Expenses in the 1985-1986 Budget and will be transferred to the Library Fund.

Council Member Ruth Hansen MOVED that \$3,600 be taken from Intergovernmental Expenses and transferred to the Library fund. Council Member Don Dafoe SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a vote on the motion, which passed unanimously.

ATTORNEY WARREN PETERSON: RESOLUTION CONFIRMING MILLARD COUNTY FIRE DISTRICT AGREEMENT

Mayor Grant Nielson requested that City Attorney Warren Peterson present the proposed resolution confirming the revised Millard County Fire District Agreement tentatively approved at the City Council Meeting held August 26, 1985. Mr. Peterson explained that the proposed resolution confirms Delta City's joining the Millard County Fire Service District and confirms approval of the Interlocal Cooperation Act Agreement between Delta City and Millard County as revised based on the discussions held with Millard County Commission Warren Jensen during the August 26, 1985, City Council meeting. The resolution is entitled:

RESOLUTION NO. 85-135

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA, UTAH, CONFIRMING AND RATIFYING THE ENTRY OF DELTA CITY INTO THE MILLARD COUNTY FIRE SERVICE DISTRICT AND RATIFYING AND CONFIRMING AN INTERLOCAL COOPERATION ACT AGREEMENT BETWEEN DELTA CITY AND MILLARD COUNTY PROVIDING FOR FIRE PROTECTION SERVICES.

Following a brief discussion of the proposed resolution, Council Member Craig Greathouse MOVED to adopt proposed Resolution No. 85-135. Council Member Gayle Bunker SECONDED the motion. Mayor Nielson asked if there were any comments or questions regarding the resolution or the motion. There

being none, he called for a roll call vote on the motion. The voting was as follows:

Council Member Craig Greathouse	Yes
Council Member Don Dafoe	Yes
Council Member Ruth Hansen	Yes
Council Member Neil Dutson	Yes
Council Member Gayle Bunker	Yes

Mayor Nielson then signed the resolution and it was attested by City Recorder Dorothy Jeffery.

ATTORNEY WARREN PETERSON: ORDINANCE VACATING ALLEY IN BLOCK 53

Mayor Nielson asked Attorney Peterson to review with the Council the proposed ordinance providing for vacation of the 33 foot wide street in Block 53. Vacation of the street has been requested by the West Millard Hospital District.

Attorney Warren Peterson explained that Mr. Dell Ashby has filed petitions signed by Millard County and West Millard Hospital District, the owners of property adjoining the street proposed to be vacated. Mr. Peterson displayed a map showing the street and the adjoining properties and explained that the petitioners propose that the street be deeded to the West Millard Hospital District. Mr. Peterson said that the proposed ordinance states that a public easement should be reserved over the vacated street with the West Millard Hospital District or its successors being required to maintain the road.

Attorney Peterson presented the proposed ordinance entitled:

ORDINANCE NO. 85-95

AN ORDINANCE PROVIDING FOR VACATION OF THAT PORTION OF 250 WEST STREET LYING IN BLOCK 53 OF THE CITY OF DELTA, UTAH, ACCORDING TO THE OFFICIAL PLAT THEREOF AND AUTHORIZING EXECUTION AND DELIVERY OF A DEED RELEASING CERTAIN INTERESTS OF DELTA CITY IN SAID VACATED PREMISES.

Council Member Ruth Hansen MOVED to adopt proposed Ordinance No. 85-95. Council Member Gayle Bunker SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the ordinance or motion. There being none, he called for a roll call vote on the motion. The voting was as follows:

Council Member Craig Greathouse	Yes
Council Member Don Dafoe	Yes
Council Member Gayle Bunker	Yes
Council Member Neil Dutson	Yes
Council Member Ruth Hansen	Yes

Mayor Nielson then signed the ordinance and it was attested by City Recorder Dorothy Jeffery.

ATTORNEY WARREN PETERSON: PRESENTATION OF OFF-ROAD VEHICLE ORDINANCE FOR ADOPTION

Mayor Nielson explained there have been several complaints regarding offroad vehicles within Delta City recently and Attorney Peterson had been instructed to prepare an ordinance to aid the police in controlling this problem. Mayor Nielson then asked Attorney Peterson to present the proposed ordinance for the Council's consideration.

Attorney Warren Peterson presented a proposed ordinance entitled:

ORDINANCE NO. 85-96

AN ORDINANCE PROHIBITING OPERATION OF CERTAIN VEHICLES ON PRIVATE PROPERTY WITHOUT PERMISSION FROM THE OWNER, ESTABLISHING LIABILITY FOR USE OF CERTAIN VEHICLES BY PERSONS UNDER THE AGE OF 18 YEARS AND PROHIBITING USE OF CERTAIN VEHICLES IN A MANNER WHICH CREATES NOISE, DUST AND OTHER TYPES OF POLLUTION AND SETTING PENALTIES FOR VIOLATION.

Mr. Peterson explained that this ordinance was essentially the same as the draft of the proposed ordinance presented to the Council at a previous meeting. Following a brief discussion of the proposed ordinance, Council Member Ruth Hansen MOVED to adopt proposed Ordinance 85-96. Council Member Neil Dutson SECONDED the motion. Mayor Nielson asked if there were any questions regarding the ordinance or the motion. There being none, he called for a roll call vote on the motion. The voting was as follows:

Council Member Craig Greathouse	Yes
Council Member Ruth Hansen	Yes
Council Member Neil Dutson	Yes
Council Member Don Dafoe	Yes
Council Member Gayle Bunker	Yes

Mayor Nielson then signed the ordinance and it was attested by City Recorder Dorothy Jeffery.

JIM ALLAN: CONTRACT WITH MILLARD SCHOOL DISTRICT ON PURCHASE OF OLD FOOTBALL FIELD PROPERTY, SOUTH HALF OF BLOCK 74

Mayor Nielson asked City Manager Jim Allan to review with the Council a proposal to purchase the old Delta High School football field located on a portion of Block 74 from the Millard County School District.

City Manager Jim Allan presented a proposal to purchase the property by offsetting the cost with exchange of new road construction at the various school sites and a partial cash payment. Mr. Allan explained that Millard County School District is asking \$46,000 for the Old Football Field

property. Mr. Allan said that Delta City would pay \$31,899 for street improvements at the school sites under the proposed agreement and an additional \$14,111 in cash to make up the difference.

City Attorney Warren Peterson then presented a proposed resolution entitled:

RESOLUTION NO. 85-136

A RESOLUTION APPROVING AN AGREEMENT FOR SALE AND PURCHASE OF REAL PROPERTY BETWEEN DELTA CITY AND MILLARD COUNTY SCHOOL DISTRICT FOR PROPERTY LOCATED IN BLOCK 74 OF DELTA TOWNSITE, PLAT "A".

Following a brief discussion of the agreement and resolution, Council Member Don Dafoe MOVED to accept the Agreement for Sale and Purchase of Real Property by adopting Resolution No. 85-136. Council Member Neil Dutson SECONDED the motion. Mayor Nielson asked if there were any questions regarding the agreement or resolution. There being none, he called for a roll call vote on the motion. The voting was as follows:

Council Member Craig Greathouse	No
Council Member Don Dafoe	Yes
Council Member Ruth Hansen	Yes
Council Member Neil Dutson	Yes
Council Member Gayle Bunker	Yes

Mayor Nielson then signed the resolution and it was attested by City Recorder Dorothy Jeffery.

ALAN RIDING: ASSISTANT DIRECTOR OF PUBLIC WORKS -- BID OPENING FOR INDUSTRIAL LOADER/BACKHOE

Mayor Nielson told the Council there was a need for Delta City to purchase a Loader/Backhoe and asked Assistant Public Works Director Alan Riding to address the issue with the Council.

Assistant Public Works Director Alan Riding said that after the Loader/Backhoe bid specifications were approved, copies of the bid specifications were mailed to three different companies. The only bid received was from Century Equipment Company in the amount of \$46,935.00.

Following discussion of the Century Equipment Company bid for the Industrial Loader/Backhoe, Council Member Don Dafoe MOVED to accept the bid from Century Equipment Company for \$46,935.00 for a Model 680K Loader/Backhoe. Council Member Gayle Bunker SECONDED the motion. Mayor Nielson asked if there were further questions or comments on the motion. There being none, he called for a vote on the motion, which passed unanimously.

JIM ALLAN: ZIONS BANK LEASE AGREEMENT FOR CANON COPY MACHINE

Mayor Nielson asked City Manager Jim Allan to review with the Council a proposed lease agreement between Delta City and Zions Bank for a copier.

City Manager Jim Allan presented an Equipment Lease Agreement between Zions First National Bank and Delta City for the Canon Copier. The Council reviewed and discussed the Lease Agreement dated September 9, 1985, with a principal amount of \$11,085.00 due with monthly payments of \$351.21 scheduled until September 9, 1988.

Included in the agreement was a resolution entitled:

RESOLUTION NO. 85-137

A RESOLUTION APPROVING THE FORM OF THE EQUIPMENT LEASE AGREEMENT WITH ZIONS FIRST NATIONAL BANK, SALT LAKE CITY, UTAH FINDING THAT IT IS IN THE BEST INTERESTS OF THE MUNICIPALITY TO ENTER INTO SAID AGREEMENTS, AND AUTHORIZING THE EXECUTION AND DELIVERY THEREOF.

Council Member Craig Greathouse MOVED to adopt Resolution No. 85-137 for the lease/purchase of the Canon Copy Machine through Zions Bank. Council Member Ruth Hansen SECONDED the motion. Mayor Nielson asked if there were any further comments regarding the agreement or the resolution. There being none, he called for a roll call vote on the motion. The voting was as follows:

Council Member Gayle Bunker	Yes
Council Member Neil Dutson	Yes
Council Member Ruth Hansen	Yes
Council Member Don Dafoe	Yes
Council Member Craig Greathouse	Yes

Mayor Nielson then signed the resolution and it was attested by Delta City Recorder Dorothy Jeffery

JIM ALLAN: REPORT ON C.I.B. MEETING - FUNDING FOR DRAINAGE PROJECT

City Manager Jim Allan reported that he had met with the Community Impact Board (C.I.B.) and presented the proposed drainage project which consists of covering 10,600 feet of existing open drainage ditches within Delta City, thereby eliminating all open drains in Delta City. Mr. Allan said that Delta City requested that the C.I.B. provide a grant for \$498,612.00, to which Delta City would add an additional \$86,376.00, bringing the total revenue for the project to \$584,988.00. As defined in the request, Delta City is providing approximately 14% of the total project.

Mr. Allan asked if Delta City would be agreeable to a low interest loan rather than a full grant for the drainage project. Mayor Nielson stated that of the money that we now have in the General Fund, one-third is coming from Intermountain Power Project. Mr. Allan said that Delta City has been placed on the pending list, being given strong likelihood of being awarded the grant. Also, he said, a grant request of \$500,000.00 requires that a public hearing be held.

Following a brief discussion of the grant request, Council Member Craig Greathouse MOVED to schedule a public hearing for the purpose of receiving public comment regarding open drains on September 30, 1985, at 6:30 p.m. Council Member Gayle Bunker SECONDED the motion. Mayor Nielson asked for any comments or questions regarding the motion. There being none, he called for a vote on the motion, which passed unanimously.

CITY ENGINEER JOHN QUICK: DISCUSSION OF PAY ESTIMATE FOR VALLEY ASPHALT

Mayor Nielson told the Council that Valley Asphalt Company was nearing completion of their portion of the Street Improvement Project. He asked City Engineer John Quick to review the status of the project with the Council.

City Engineer John Quick reviewed the project in detail and presented and explained a pay request for Valley Asphalt in the amount of \$510,612.76. Mr. Quick explained that the Delta Street Reconstruction Project is nearly complete. He requested time on the next Regular City Council Meeting agenda for a Pay Request for Valley Asphalt.

ATTORNEY WARREN PETERSON: AGREEMENT WITH DR. H. NIELSEN, DVM, FOR ANIMAL SERVICES

Attorney Warren Peterson presented an Animal Control Services Agreement between Delta City and Dr. H.W. Nielsen, DVM, for the Council's review and approval. Council Member Gayle Bunker MOVED to approve the Animal Control Services Agreement. Council Member Neil Dutson SECONDED the motion. Mayor Nielson asked if there were any further questions regarding the agreement or the motion. There being none, he called for a vote on the motion, which passed unanimously.

MAYOR NIELSON: COUNCIL DECISION ON UDOT PROPOSED ISLAND AND 4-WAY STOPS

The City Council reviewed UDOT's proposed plan for four-way stop intersections and an island median on Main Street. Following a brief discussion of the proposal, Council Member Neil Dutson said that UDOT's proposal did not meet the requirements of the City Council for safety reasons. Mr. Dutson then MOVED to reject the 4-way stop and the island for safety reasons, and to continue their investigation on the speed limit reduction until they can meet the area's needs, and to request that pedestrian lanes be painted on both sides of the street and the lanes be painted and kept in good condition on the street. Council Member Don Dafoe SECONDED the motion. Mayor Nielson asked if there were any further comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Craig Greathouse	Yes
Council Member Don Dafoe	Yes
Council Member Neil Dutson	Yes
Council Member Ruth Hansen	Yes
Council Member Gayle Bunker	Yes

CITY ATTORNEY WARREN PETERSON: APPROVAL FOR PAYMENT OF HURRICANE SAND & GRAVEL JUDGMENT

Attorney Warren Peterson told the Council that the Fourth District Court had found for Delta City on all issues in the Hurricane Sand and Gravel case except that the Court did award the \$5,152.00 that was held out by Delta City during the course of the construction, together with interest on that amount. He requested approval to make payment on the judgment.

Mr. Peterson said two-thirds of the judgment should be payable out of proceeds from Intermountain Power Agency provided under Alleviation Agreement No. 13.

Council Member Craig Greathouse MOVED to authorize payment of the \$5,152.00 plus interest accrued as awarded by the Court and to authorize John Quick and Jim Allan to talk with Al Pitzer of IPP regarding their share of the payment. Council Member Don Dafoe SECONDED the motion. Mayor Nielson asked if there were any further questions or comments regarding the motion. There being none, he called for a vote on the motion, which passed unanimously.

CITY ATTORNEY WARREN PETERSON: STATUS REPORT ON RUSSELL MACAULEY CLAIM

Attorney Warren Peterson requested to the Council that for the sake of discussing litigation strategy against possible additional cross defendants in the claim against Delta City in the Russell MacAuley case, the discussion be held in closed session.

Attorney Peterson also requested that John Quick be included in the closed session to discuss strategy to resolve the Hurricane Sand and Gravel case.

Council Member Don Dafoe MOVED to go into closed session at 9:45 p.m. to discuss litigation strategy concerning the Russell MacAuley claim and the Hurricane Sand and Gravel case and to include John Quick in that discussion. Council Member Craig Greathouse SECONDED the motion. Mayor Nielson then called for a roll call vote on the motion. The voting was as follows:

Council Member Craig Greathouse	Yes
Council Member Don Dafoe	Yes
Council Member Ruth Hansen	Yes
Council Member Neil Dutson	Yes
Council Member Gayle Bunker	Yes

The motion passed unanimously.

Following the closed session, Mayor Nielson asked if there were any further comments or questions or items to be discussed. There being none, Council Member Don Dafoe MOVED to adjourn the meeting. The motion was SECONDED by Council Member Neil Dutson. The meeting adjourned at 10:15 p.m.

Attest: \_\_\_\_\_  
DOROTHY JEFFERY  
Delta City Recorder

  
GRANT S. NIELSON, Mayor